

IN RE: PETITIONS FOR ADMINISTRATIVE \* BEFORE THE  
SPECIAL HEARING AND VARIANCE -  
NW/Cor. Sherwood & Maple Avenues \* ZONING COMMISSIONER  
(7906 Sherwood Avenue  
9th Election District \* OF BALTIMORE COUNTY  
4th Councilmanic District \* Case No. 99-16-SPHA  
Douglas W. Brinkley, et ux  
Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petitions for Administrative Special Hearing and Variance filed by the owners of the subject property, Douglas W. and Ellen T. Brinkley. The Petitioners seek approval, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code (B.C.C.) of a waiver of the requirements of Section 26-203(c)(8) of the Code, and a finding that their proposal satisfies the requirements of Section 26-278 of the B.C.C., as those regulations relate to the preservation of historical buildings and sites, to approve the construction of a kitchen/garage addition to the rear and side of the existing dwelling. In addition to the special hearing relief, the Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 28 feet in lieu of the required 40 feet for the proposed addition. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be

UNDER RECEIVED FOR FILING

Date

By

waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope purpose, and intent of the development regulations, and that the proposed development complies with all other County laws, ordinances, and regulations. In order to afford due process, the Director has designated the Zoning Commissioner (Hearing Officer) to consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on July 16, 1998. There has been no request by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property. Thus the matter is eligible for review and resolution by this Hearing Officer.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code, and a site plan of the property depicting existing and proposed improvements. That plan indicates that the property consists of .86 acres, more or less, zoned D.R.2, and is located in the community known as Sherwood Park in Towson. The property is located on the northwest corner of Sherwood and Maple Avenues, and abuts Bellona Avenue to the rear. As shown on the plan, the existing dwelling is roughly rectangular in shape, and the Petitioners propose to construct a kitchen/garage addition on the northwest side/rear of the existing dwelling. The information submitted is persuasive to a finding that the proposed addition is consistent with the character and historic features of the existing dwelling and will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioners' proposal and recommended a finding that the project is consistent with Section 26-278 of the Baltimore County Code on August 13, 1998. There is no

NOTED RECEIVED  
8/15/98  
LAW  
BY

evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief requested complies with the requirements of the B.C.Z.R. and should therefore be approved.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of September, 1998 that the Petition for Administrative Special Hearing seeking approval of a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code (B.C.C.), of the requirements of Section 26-203(c)(8) of the Code, and a finding that the proposed improvements are consistent with Section 26-278 of the Code, as those regulations relate to the preservation of historical buildings and sites, to approve the construction of a kitchen/garage addition to the rear and side of the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,


IT IS FURTHER ORDERED that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 28 feet in lieu of the required 40 feet for the proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING  
Date 9/14/98  
By [Signature]

2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) for the July 20, 1998 meeting, a copy of which is attached hereto and made a part hereof.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 9/14/98  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

September 14, 1998

Mr. & Mrs. Douglas W. Brinkley  
7906 Sherwood Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR ADMINISTRATIVE SPECIAL HEARING and VARIANCE  
NW/Corner Sherwood Avenue & Maple Avenue  
(7906 Sherwood Avenue  
9th Election District - 4th Councilmanic District  
Douglas W. Brinkley, et ux - Petitioners  
Case No. 99-16-SPHA

Dear Mr. & Mrs. Brinkley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Administrative Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel; Case Files



# Petition for Administrative *SPECIAL HEARING*

## to the Zoning Commissioner of Baltimore County

for the property located at 7906 Sherwood Avenue

which is presently zoned

DR2

This Petition shall be filed with the Dept. of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for an administrative Approval / Special Hearing pursuant to 26 -171, 26 -172 (b), BCC of Sections 26 -203 (c) (8) and Section 26 -278 to improve the structure known as 7906 Sherwood Avenue by adding a kitchen and garage to the rear and rear side.

Property is to be posted and advertised as prescribed by Regulations.

I, or we, agree to pay expenses of above ~~sign~~ advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the regulations and restrictions of Baltimore County adopted pursuant to the Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Douglas W. Brinkley  
(Type or Print Name)

Signature

Signature

Address

Ellen T. Brinkley  
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

7906 Sherwood Avenue 410-583-7417  
Address Phone No

Towson, MD 21204  
City State Zipcode

Name, Address and phone number of representative to be contacted

Signature

Address

Phone No.

Douglas W. Brinkley  
Name

7906 Sherwood Avenue 410-296-7608  
Address Phone No  
Towson, MD 21204

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ESTIMATED POSTING DATE: \_\_\_\_\_

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Recycled Paper

ITEM #: 16

**99-16-SPHA**

ORDER RECEIVED FOR FILING

Date 9/27/98

# Affidavit

## in support of Admin. Spec. Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

7906 Sherwood Avenue

address

Towson

MD

21204

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Special Hearing at the above address:

Our present "galley" kitchen is dated and not large enough to eat in, nor do we have a garage large enough to park cars comfortably. The addition we have designed in the rear and rear side of the property is essentially hidden from the front by both the existing house and mature landscaping. The addition has been carefully planned, by Ken Hart of Gant, Hart, Brunnett, in keeping with the architectural integrity and symmetry of the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Douglas W. Brinkley  
(signature)

Douglas W. Brinkley

(type or print name)



Ellen T. Brinkley  
(signature)

Ellen T. Brinkley

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of July, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactory identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/22/98  
date

PATRICK K. KRESTER  
NOTARY PUBLIC

My Commission Expires:

May 1, 2001

# Affidavit

## in support of Admin. Spec. Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

7906 Sherwood Avenue

address

Towson

City

MD  
State

21204  
Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Special Hearing at the above address:

Our present "galley" kitchen is dated and not large enough to eat in, nor do we have a garage large enough to park cars comfortably. The addition we have designed in the rear and rear side of the property is essentially hidden from the front by both the existing house and mature landscaping. The addition has been carefully planned, by Ken Hart of Gant, Hart, Brunnett, in keeping with the architectural integrity and symmetry of the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Douglas W. Brinkley  
(signature)

Douglas W. Brinkley  
(type or print name)



Ellen T. Brinkley  
(signature)

Ellen T. Brinkley  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of July, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactory identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/22/98  
date

Patricia R. Kreethner  
NOTARY PUBLIC

My Commission Expires:

May 1, 2001





# Petition for Administrative SPECIAL HEARING

## to the Zoning Commissioner of Baltimore County

for the property located at

7906 Sherwood Avenue

which is presently zoned

DR2

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for an administrative Approval / Special Hearing pursuant to 26 -171, 26 -172 (b), BCC of Sections 26 -203 (c) (8) and Section 26 -278 to improve the structure known as 7906 Sherwood Avenue by adding a kitchen and garage to the rear and rear side.

Property is to be posted and advertised as prescribed by County Regulations.

I, or we, agree to pay expenses of above County advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the regulations and restrictions of Baltimore County adopted pursuant to the Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition)

Contract Purchaser/Lessee:

Legal Owner(s)

(Type or Print Name)

Douglas W. Brinkley  
(Type or Print Name)

Signature

Signature

Address

Ellen T. Brinkley  
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

7906 Sherwood Avenue 410-583-7417  
Address Phone No

Signature

Towson, MD 21204  
City State Zipcode  
Name Address and phone number of representative to be contacted

Address

Phone No.

Douglas W. Brinkley  
Name

City

State

Zipcode

7906 Sherwood Avenue 410-296-7608  
Address Phone No  
Towson, MD 21204

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ESTIMATED POSTING DATE: \_\_\_\_\_



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Recycled Paper

**99-16-SPAA**

**16**

ORIGINAL KEPT IN FILE



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

7906 Sherwood Ave., Balt. MD 21204  
which is presently zoned DR2

This Petition shall be filed with the Dept. of Permits & Development Management  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C.1 to PERMIT  
**A REAR YARD SETBACK OF 28 FT IN LIEU OF THE REQUIRED 40 FT**

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The County Zoning Office states that a forty foot (40') set back is required from the "rear" of the property to the property line. Our addition was designed believing that the set back was fifteen feet (15') (The side yard designation) from the property line to the structure because the entrance and mailbox to the property are located on Sherwood. All houses on Sherwood to Willow Avenue face Sherwood which entitles them to fifteen feet (15') side-yard set backs. Even though the entrance and mailbox are on Sherwood, because our existing front door is on Maple Avenue, we are told we need a forty-foot (40') set back to the property line. We are requesting a 28.5' setback.

Our present kitchen is dated and not large enough to eat in nor is our garage large enough to park cars comfortably. To try to expand the house within the envelope, in adherence to the 40-foot setback, means we would have to expand to the west. In this case, we would lose two 100-year-old white pine trees and completely destroy this old house's architectural symmetry. (The house was built in the early 1900's.)

Only one neighbor borders our property. Our neighbor's view towards the proposed addition is blocked by both dense landscaping and our existing storage shed / garage which will remain for storage and aesthetic purposes.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name) \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zipcode \_\_\_\_\_

Attorney for Petitioner:

(Type or Print Name) \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zipcode \_\_\_\_\_

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):  
Mr. Douglas W. Brinkley  
(Type or Print Name)

Douglas W. Brinkley  
Signature

Mrs. Ellen T. Brinkley  
(Type or Print Name)  
Ellen T. Brinkley  
Signature

7906 Sherwood Avenue (410) 583-7417 (h)  
Address Phone No. (410) 337-7300 (w)

Towson, Maryland 21204  
City State Zipcode  
Name, Address and phone number of representative to be contacted

SAME  
Name  
SAME  
Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ESTIMATED POSTING DATE: \_\_\_\_\_



Printed with Soybean Ink on Recycled Paper

ITEM #:

99-16-SPHA

ORDER RECEIVED FOR FILING  
Date 9/14/08

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7906 Sherwood Avenue  
address  
Baltimore, Maryland 21204  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

All of the houses on Sherwood Avenue north to Willow Avenue face Sherwood Avenue. Our driveway enters from and our mailbox is located on Sherwood Avenue. We classified that as the front. However, our house is unique because our front door faces Maple Avenue not Sherwood Avenue, and our side is being considered the "rear" of the property. Thus, the County is requiring a forty-foot (40') setback. All of our neighbors have fifteen-foot (15') side setbacks from their property lines.

Strict compliance with BCZR Requirements would result in hardship and practical difficulty for the following reasons:

#### Hardship:

1. Present kitchen was constructed in the thirties (30's) We need the ability to "eat in" the kitchen. Not having this makes it very difficult for our family or any other families to adequately use the home.
2. The existing framed storage shed/garage is not large enough to accommodate motor vehicles.

This house and storage shed/garage were built around the turn of the century, prior to most of the neighborhood, in accordance with earlier standards. (i.e. small kitchens etc.)

#### Practical Difficulty

To be restricted within the permitted envelope would not allow us to:

1. Expand the kitchen, create an "eat in" area and add a garage.
2. Maintain a green space between the two wings

To expand where permitted westwards, any more than we are suggesting, not only destroys the architectural symmetry of this classic neoclassical house built in the early 1900's, but also causes us to sacrifice two 100-year-old white pine trees. The planned addition is in keeping with the architectural integrity of the house.

We only have one neighbor bordering our property. The location of our proposed addition will not obstruct the views of our neighbor because both the mature landscaping and our existing garage will serve as visual buffers. No other neighbors will be able to view the addition from the side.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Douglas W. Brinkley  
(signature)  
Douglas W. Brinkley  
(type or print name)



Ellen T. Brinkley  
(signature)  
Ellen T. Brinkley  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10<sup>th</sup> day of July, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7-10-98  
date

ROSEALIA K. KAESTNER  
NOTARY PUBLIC

My Commission Expires: May 1, 2001

#16

16

**Zoning Description For 7906 Sherwood Avenue**

Beginning at the intersection of the northern most side of Maple Avenue, forty feet (40') wide as now laid out, and the easternmost side of Bellona Avenue; and running thence North, no degrees fifty minutes East, binding on the east side of Bellona Avenue, 146' to the center line of what was formerly the bed of Maple Avenue, now closed; thence South 80 degrees, 30 minutes East, binding along the center line of said Avenue, now closed; 261' and 9" to the West side of Sherwood Avenue, 40' wide as extended southerly to Maple Avenue, as now laid out; thence South 9 degrees, 30 minutes west, binding on the West side of Sherwood Avenue; 156' and 2" to the North side of Maple Avenue as now laid out; thence North 77 degrees, 40 minutes west, binding on the North side of Maple Avenue, as now laid out 240' to the place at the beginning.

The Lot Numbers 11 and ~~12~~ in the subdivision of Sherwood Park as recorded in Baltimore County, containing .86 acres. Also known as 7906 Sherwood Avenue and located in the Deed Liber 8806, Folio 791, 9<sup>th</sup> Election District, 4 Councilmanic District.

DWB/House.doc

99.16-SPHA

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

✓L #16

No. 056187

DATE 7/10/98

ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM:

BRINKELEY

FOR:

RV FILING

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
7/10/1998 7/10/1998 10:00:13

REC MS06 CASHIER AMEL MRW DRAWER  
5 MISCELLANEOUS CASH RECEIPT

Receipt # 023501

CR NO. 056187

50.00 CHECK

Baltimore County, Maryland

99.16-SPHA

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

LAND

✓LL #16

No. 056187

DATE 7/23/98

ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM:

BRINKLEY

FOR:

ADMIN SPH FILING

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
7/23/1998 7/23/1998 09:20:49

REC MS06 CASHIER AMEL MRW DRAWER  
5 MISCELLANEOUS CASH RECEIPT

Receipt # 026317

CR NO. 056197

50.00 CHECK

Baltimore County, Maryland

99.16-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE Case No 99-16-A

Petitioner/Developer D. BRINKLEY/ETAL

Date of Hearing/Closing 8/3/98

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at # 7906 SHERWOOD AVE

The sign(s) were posted on 7/16/98  
(Month, Day, Year)

Sincerely,

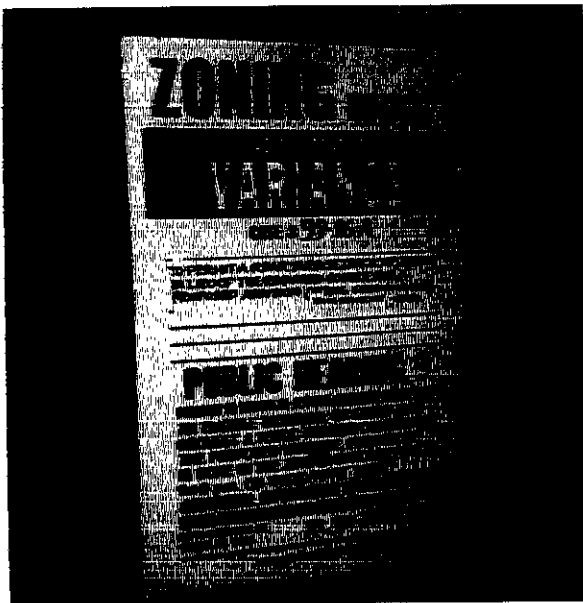
Patrick M. O'Keefe 7/25/98  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

HUNT VALLEY, MD. 21030  
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571  
(Telephone Number)



99-16-A  
7906 SHERWOOD  
7/16  
CL 04

CERTIFICATE OF POSTING

ADMIN. S. H.

RE: Case No.: 99-16-SPH

Petitioner/Developer: BRINKLEY, ETAL

Date of Hearing/Closing 8/17/98

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #7906 SHERWOOD AVE

The sign(s) were posted on 8/1/98  
(Month, Day, Year)

Sincerely,

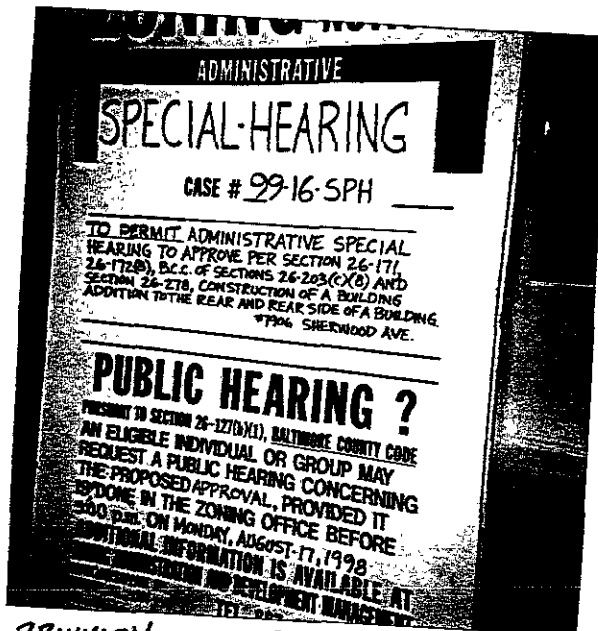
Patrick M. O'Keefe 8/10/98  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

HUNT VALLEY, MD. 21030  
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571  
(Telephone Number)



BRINKLEY 99-16-SPH  
#7906 SHERWOOD AVE (ROXTON)

P. 8/1/98

CL- 8/17/98

**ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES**

Case Number 99- 16 -SPH Address 7906 SHERWOOD AVE  
Contact Person: JOHN LEWIS Phone Number: 410-887-3391  
Planner, Please Print Your Name  
Filing Date: 7/23/98 Posting Date: 8/2/98 Closing Date: 8/17/98

Any contact made with this office regarding the status of the administrative special hearing should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE SPECIAL HEARING SIGN FORMAT**

Case Number 99- 16 -SPH Address 7906 SHERWOOD AVE  
Petitioner's Name BRINKLEY Telephone 410 296 7608  
Posting Date: 8/2/98 Closing Date: 8/17/98  
Wording for Sign: Administrative Special Hearing to approve PER SECTION 26-171, 26-172 (b)  
BCC OF SECTIONS 26-203 (C) (8) AND SECTION 26-278, CONSTRUCTION OF REAR  
A BUILDING ADDITION ~~TO THE~~ TO THE REAR AND SIDE OF A BUILDING

**99-16-SPHA**



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 98- 16 -A Address 7906 SHERWOOD AVE.  
Contact Person: JOHN LEWIS Phone Number: 410-887-3391  
Planner, Please Print Your Name  
Filing Date: 7/10/98 Posting Date: 7/19/98 Closing Date: 8/3/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 98- 16 -A Address 7906 Sherwood Ave  
Posting Date: 7/19/98 Closing Date: 8/3/98  
Wording for Sign: To Permit A REAR YARD SETBACK OF 28 FT. IN  
LIEU OF THE REQUIRED 40 FT. FOR A PROPOSED ADDITION.

**99-16-SPHA**

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

---

**For Newspaper Advertising:**

Item Number or Case Number: \_\_\_\_\_

Petitioner: Ellen T. Brinkley

Address or Location: 7906 Sherwood Ave

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Ellen T. Brinkley

Address: 7906 Sherwood Ave

Balto, Md 21204

Telephone Number: 410-583-7417

Revised 2/20/98 - SCJ

**99.16-SPHA**



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 30, 1998

Mr. & Mrs. Douglas W. Brinkley  
7906 Sherwood Avenue  
Towson, MD 21204

RE: Item No.: 16  
Case No.: 99-16-A  
Location: 7906 Sherwood Avenue

Dear Mr. & Mrs. Brinkley:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 10, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "WCR/sg".

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures





Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
(410)887-4880

July 27, 1998

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 20, 1998

Item No.: SEE BELOW          Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

018, 012, 013, 014, 015, AND 016

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Due Date:

TO: Arnold Jablon

FROM: R. Bruce Seeley *ARS/jp*

SUBJECT: Zoning Item #016

Brinkley - 7906 Sherwood Avenue

Zoning Advisory Committee Meeting of July 20, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X   The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
  - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
  - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
  - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
  - X   Ground Water Management: Any building structure must be at least 20 ft. from the sewage disposal system.

GP:sp



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor  
David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 7-17-98  
Item No. 016 JLL

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

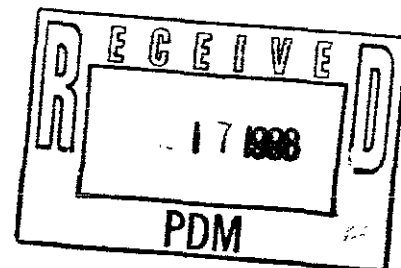
Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

*L. J. Gredlein*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG



My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: July 31, 1998

FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for July 27, 1998  
Item Nos. 011, 012, 013, 014, 015,  
016 017, and 018

Case Number 98-473-X (7501 Oakleigh Road

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

8/21/98  
TO WJL  
for file  
fs  
9/17

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
and Development Management

**DATE:** August 20, 1998

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 7906 Sherwood Lane

**INFORMATION**

Item Number: 16

Petitioner: Doug Brinkley

Zoning: DR2

Requested Action Special Hearing

**COMMENTS ON PROCEDURE** - The petition requests approval pursuant to" County Code Sections 26-172(b), 26-203(c)(8) and 26-278. The first two references are inappropriate:

- 1) Subsection 26-172(b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172(a). If the proposed building must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making it unnecessary to issue a waiver under subsection 26-172(b).
- 2) Subsection 26-203(c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172(b) waiver), the matter is moot. Even if a development plan is somehow required, this waiver would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that causes the need for compliance with Section 26-278.



Recommendations on Procedure - The Petition should be amended, at no prejudice or further cost or delay to the petitioner, (a) to request a finding that the development qualifies for a limited exemption (Sec. 26-171) and (b) to achieve one of two alternatives, either:

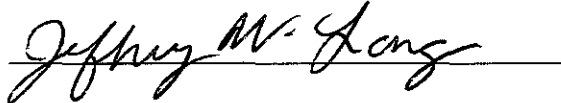
- 1) A ruling that, on its merits, the proposed construction of the addition does comply with the intent of the "must be preserved" requirement in Section 26-278; or
- 2) Approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172(a)(1) or (2).

Summary of Recommendations:

The classical revival building located at 7906 Sherwood Avenue was built in 1909 as a mission church of Trinity Church in Towson. In 1982 this building called the "Watmough House" was added to the Maryland Historical Trust Inventory as BA # 2140.

At its August 13, 1998 meeting, the Landmarks Preservation Commission agreed unanimously to recommend that the Hearing Officer's Finding and Conclusion of Law should be that the proposed addition is consistent with the requirements of Section 26-278 and should be approved.

Section Chief:



AFK/JL

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCE  
7906 Sherwood Avenue, NEC Maple and Bellona  
Avenues, 9th Election District, 4th Councilmanic

Legal Owners: Douglas W. and Ellen T. Brinkley

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: ~~98-16-SPHA~~  
99-16- "

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

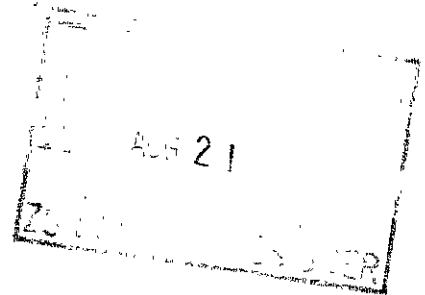
I HEREBY CERTIFY that on this 17<sup>th</sup> day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Douglas W. and Ellen T. Brinkley, 7906 Sherwood Avenue, Towson, MD 21204, Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

**ADMINISTRATIVE SPECIAL HEARING  
CLOSING DATE -- AUGUST 17, 1998**

**ADMINISTRATIVE VARIANCE  
CLOSING DATE -- AUGUST 3, 1998**

ITEM NUMBER: 16  
CASE NUMBER: 99-16-SPHA  
7906 Sherwood Avenue  
NEC Maple and Bellona Avenue  
9th Election District -- 4th Councilmanic District  
Legal Owner: Ellen T. Brinkley & Douglas W. Brinkley



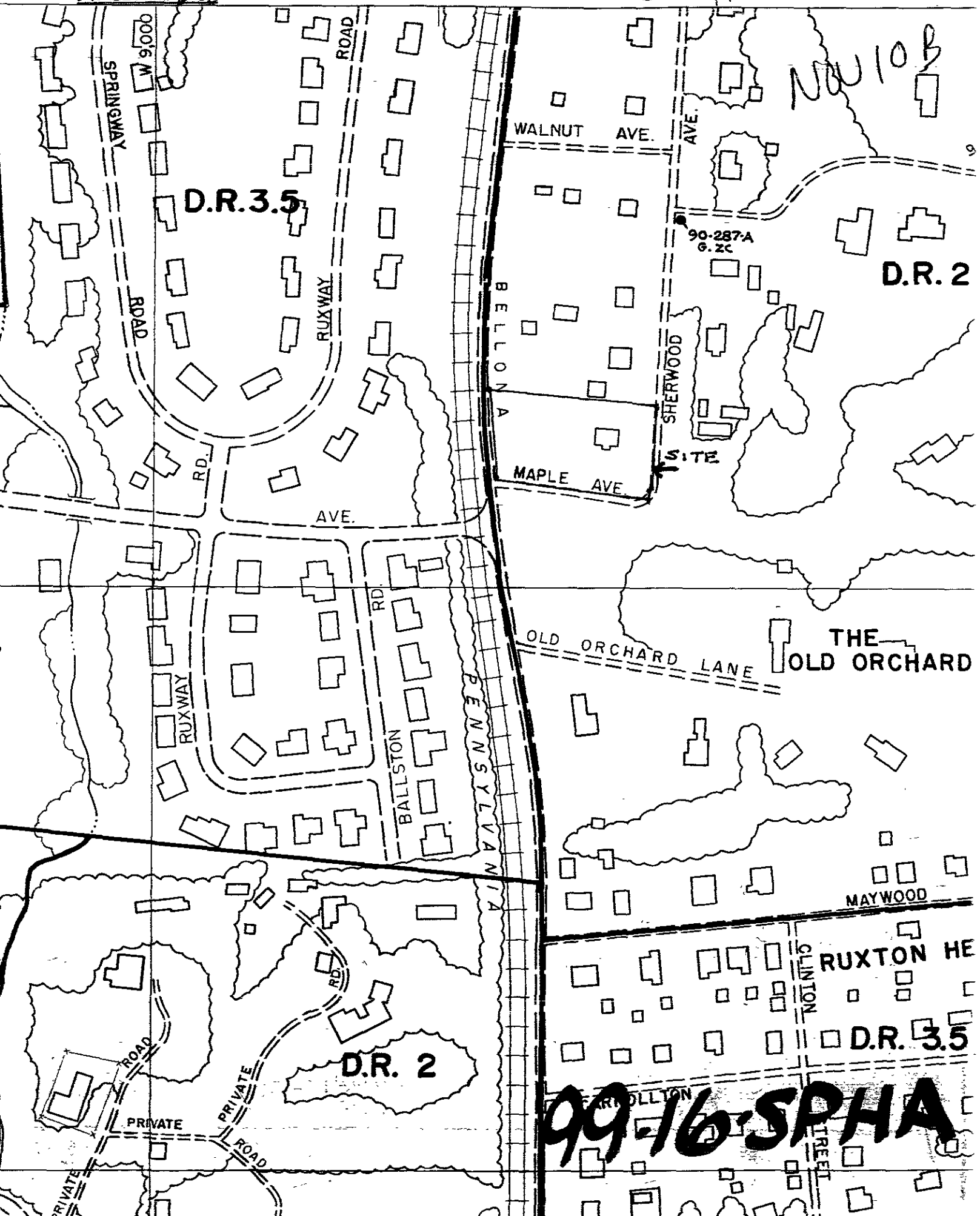
Administrative Variance to permit a rear yard setback of 28 feet in lieu of the required 40 feet.

Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to improve the structure known as 7906 Sherwood Road by adding a kitchen and garage to the rear and rear side.

**NOTE:**

An "Administrative Variance" was filed on 7/10/98 with a posting date of 7/19/98 and a closing date of 8/3/98. It was then discovered by the Office of Planning that the property is on the Maryland Historical Inventory List and, therefore, a special hearing was needed. Consequently, an "Administrative Special Hearing" for a waiver of historic buildings was filed on 7/23/98 with a posting date of 8/2/98 and a closing date of 8/17/98.

#16



# Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 7906 Sherwood Ave

Subdivision name: Sherwood Park  
 plat book # 1, folio # 11, section # 1

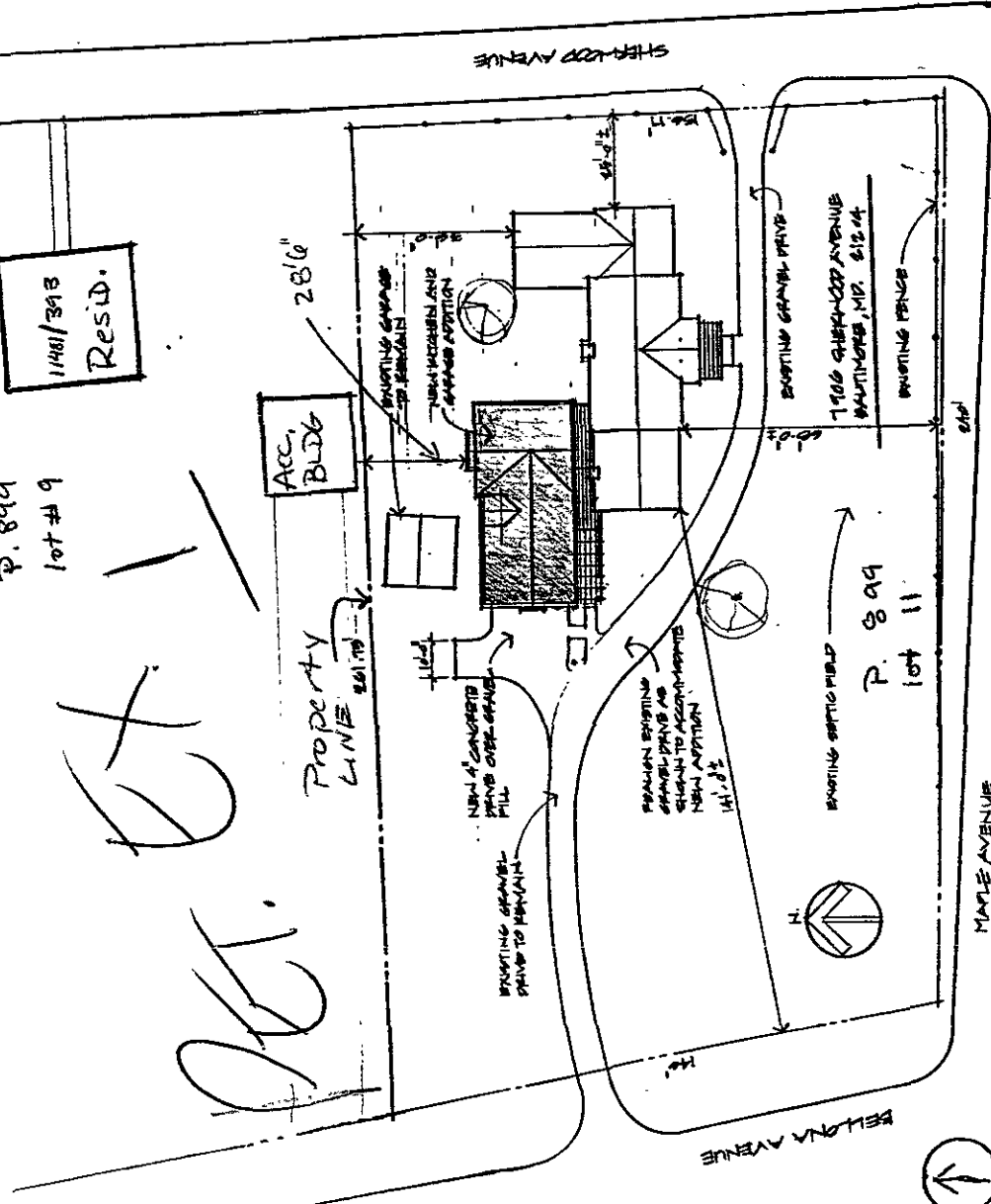
OWNER: DOUGLAS W. & ELLEN T. BRINCKLEY

P. 899  
 lot # 9

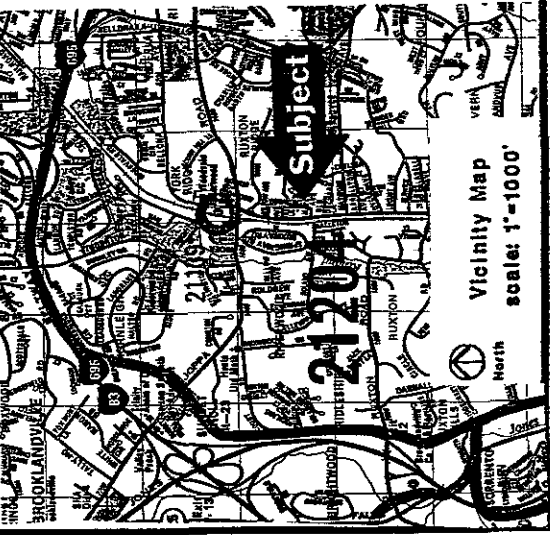
1481/343  
 Resid.

Acc. Bldg

Property Line



see pages 5 & 6 of the CHECKLIST for additional required information



## LOCATION INFORMATION

Election District: 09  
 Councilmanic District: 4  
 1"-200' scale map #: NW 11-B  
 Zoning: P.R. 2  
 Lot size: .86 37,461.60 square feet  
 Public Sewer: ☒ Private Sewer: ☒  
 Public Water: ☒ Private Water: ☒  
 Chesapeake Bay Critical Area: ☐  
 Prior Zoning Hearings: NONE

## Zoning Office USE ONLY

reviewed by: JC ITEM #: 16 CASE #:

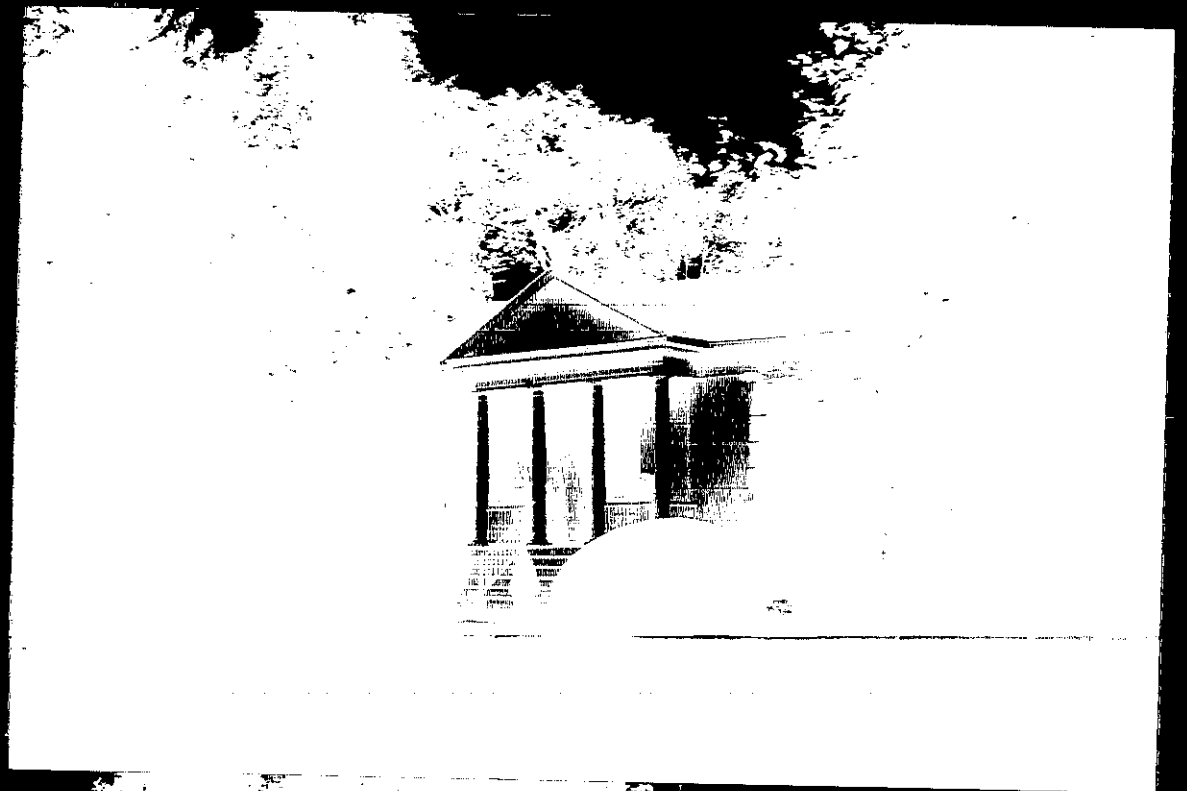
North  
 date: 10 JULY 98 KEN HART  
 prepared by: ARCHITECT Scale of Drawing: 1"= 50

Entrance to  
Property from  
Sherwood Avenue,

16



House looking  
towards maple



Existing House  
NOTE Design  
Symmetry

99-16-  
SPHA

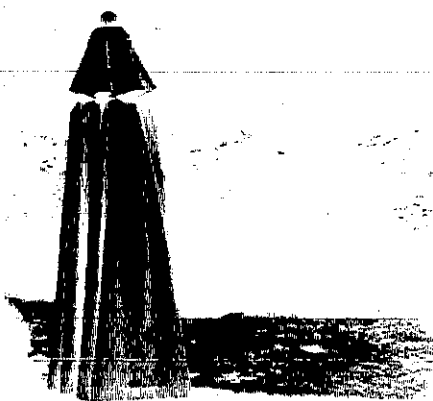
South side of storage  
Shed (GARAGE)

16

EAST SIDE OF  
GARAGE



View looking  
west from house.



99-16-  
SPHA

West side of House

16

Looking from  
house towards  
Bellona.  
(In foreground is  
one of two old  
white Pines that  
would be sacrificed  
if forced to  
expand further  
west)



North side of  
House.

Addition would  
come out to  
dashed blue line

99-16-  
SPHA



DETACHED  
GARAGE  
NEAR PROPERTY LINE

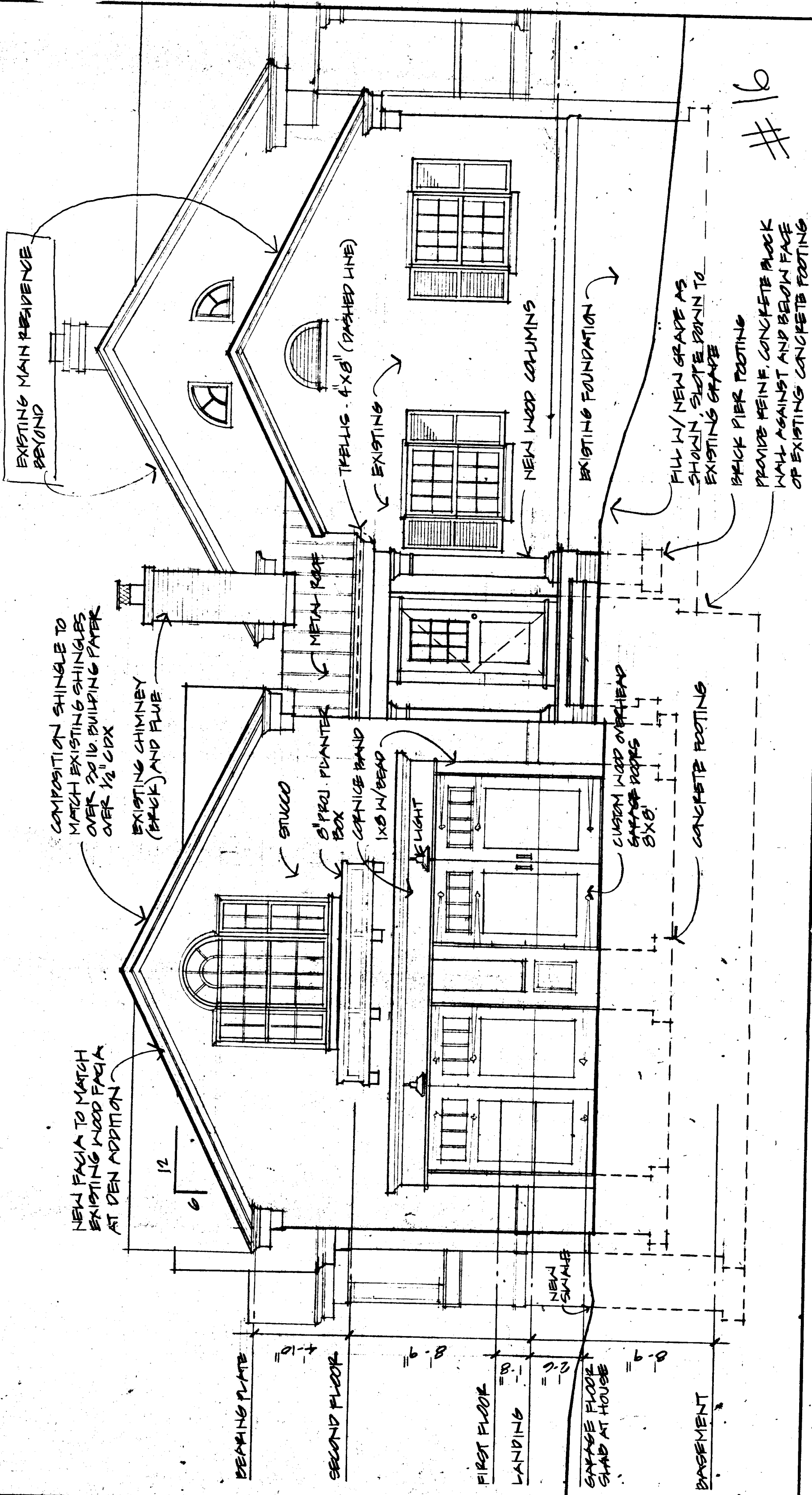
View from North  
Wall of Proposed  
addition looking  
towards Property  
line.

16

View of Property  
line looking at  
neighbor (North)

View from North EAST  
Corner of House  
to Property line.

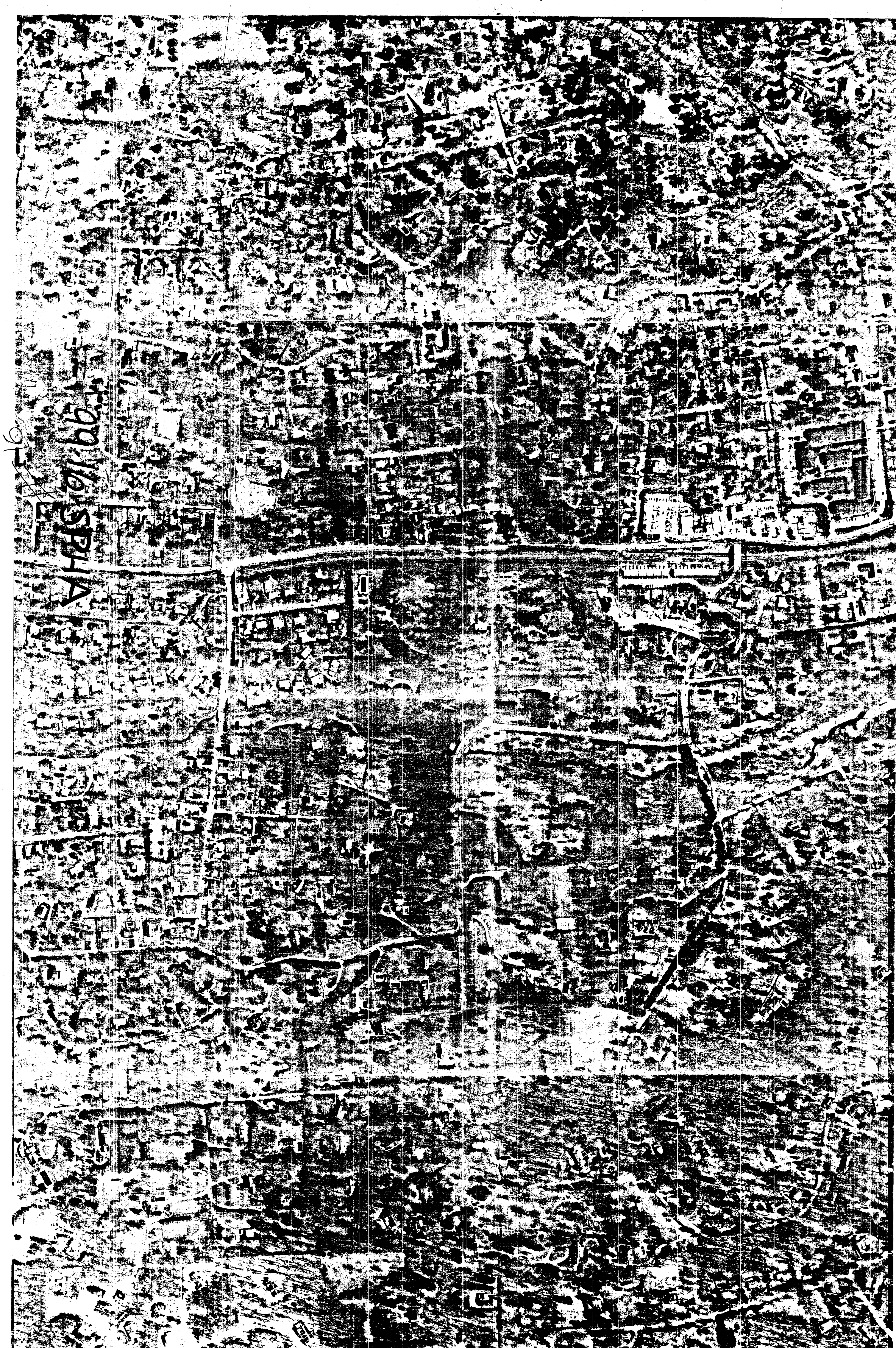
99-16-  
SPHA



#16

WEST ELEVATION      EXHIBT      99-16-SPHA      1/4" = 1'-0"





SCALE 1" = 200' ±		LOCATION RUXTON	SHEET N.W. 10-B	MICROFILMED

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401